

REMARKS

The independent claims have been amended to incorporate the limitations of the dependent claims which specify that the options are presented to the user in the form of icons, claims 5, 20, and 23. Consequently, claims 5, 20, and 23, as well as the related claims 6, 21, and 24, have been cancelled. No other substantive changes have been made to the claims, although the wording of various claims has been clarified as permitted by the narrower scope of the claims from which they depend. Thus, the independent claims now pending have the same scope and elements as the prior claims 5, 20, and 23.

The Examiner rejected claims 5, 20, and 23 under §102 based on Kmack. The Examiner particularly cited column 8, lines 48 – 57. The Kmack patent does not use the word icon anywhere. Unless one were to construe the word “icon” as used in the prior claims 5, 20, and 23 to encompass any set of pixels on a computer display that might be selected, including sets of pixels that represent the English alphabet characters in the form of written text, Kmack cannot be a proper §102 rejection. In the figures of Kmack, each of the options selectable by a user is clearly represented as merely text. Furthermore, the written specification of Kmack suggests no other way of presenting options to users.

A broad enough reading of the word “icon” to encompass the teaching of Kmack would be improper because the specification of the pending application explains extensively that icons are pictorial representations of physical activities that might be tasks to be studied. The specification makes it clear that the word “icon” excludes mere text.

However, to make this limitation even more clear in the independent claims,

the applicant has added the words, "each icon comprising a pictorial representation of" a generic task or a characterization of a task. Thus, the now pending claims are clearly novel over Kmack.

Nor are the inventions specified by the independent claims obvious. If they were, Kmack would have included the claimed icon methods in his system.

Should further payment be required to cover such fees you are hereby authorized to charge such payment to Deposit Account No. 07-1897.

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Respectfully submitted,

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